

### Remarks

We trust that the examiner will now find this application to be in condition for allowance and reconsideration is respectfully requested. In response to the Examiner's objections, claim 6 has been amended. A marked-up section of the amended claim is included in a section attached hereto. In the marked-up claim, the words between brackets are being removed, and those underlined are being added, which places the claim into the form given above. The attached section is captioned **VERSION WITH MARKINGS TO SHOW CHANGES MADE.**

In the Office Action, claims 6-8 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of co-pending Application No. 09/631,179. It respectfully noted that a terminal disclaimer was filed with the amendment of March 28, 2002 in order to overcome the double-patenting rejection.

In the Office Action, claims 6-8 were rejected under 35 USC 103(a) as being unpatentable over Lems (U.S. Patent No. 4,654, 878) or Sanborn (U.S. Patent No. 4,437,293) in view of Thieman (U.S. Patent No. 5,956,924) or Laguerre (U.S. Patent No. 3,701,192). In response, claim 6 has been amended to recite a method of making packages having slider operated zippers in which a chain of zipper bearing packages is provided onto which, for each package, a slider is inserted onto the zipper while the zipper remains fully interlocked. That is, the sliders are inserted onto a fully interlocked zipper, package-by-package, as distinct from being attached to the package film during the bag making process.

Contrary to the present application, the Lems reference could not function if a slider was used with or inserted onto the reclosable zipper. The Lems reference discloses a chain of pre-made zippers, which at a bag-making station are opened by displacing one fastener strip profile

relative to the other corresponding profile to form an initial loop opening in the bag mouth. A finger member then fully opens the bag mouth. (Col. 4, lines 37-45) After the bag is filled, the zipper bags are closed at a closing station by inter-engaging the fastener strip profiles. (Col. 4, lines 53-56). If a slider was inserted on the zipper of the Lems reference, the profiles in the slider would be disengaged because the reference states that the zipper must be forced fully open by the finger member to be filled. The problem is that when the bag is filled and closed by inter-engaging the profiles of the zipper, the opened portion within the slider cannot be closed at the closing station since the walls of the slider prevent such a closing. Also, the slider cannot be used to close the zipper after filling since the slider no longer engages any portion of the zipper that is required for closing.

Claim 6 of the present application is still further distinguished from the Lems reference in that it is structurally impossible to insert a slider on the zipper of the cited reference. As shown in Figures 4 and 5 of the Lems reference, the bag is formed with a bag mouth 15 above the fastener strip profiles. This mouth is an essential part of the reference since it is formed as a loop opening for filling. (Col. 4, lines 37-45) Since the mouth in the Lems reference cannot be removed, it would be a clear obstacle to a slider insertion during bag manufacture.

In regard to the Sanborn reference, the reference does not disclose the loading of sliders onto the zippers used in the reference. As such, the Sanborn reference neither teaches nor suggests the slider insertion method of the present application.

In regard to the Thieman and Laguerre references, the references would not permit the loading of sliders onto a zipper that remains fully interlocked during the insertion of a slider. In the Thieman reference, a separator 60 separates closure elements 50a and 52a (Col. 3, lines

28-31 and Figure 2a). In the Laguerre reference, a spacer 43 permanently separates the supports of the profiled elements including grooves 63, 63a to produce the engagement of the slider on the profiled elements. (Col. 4, line 63 – Col. 5, line 12). As such, both the Thieman and the Laguerre references require separation of the closure or the profiled elements of the zipper in order to insert a slider onto a zipper. As a result, the loading of sliders onto a fully interlocked zipper as recited in claim 6 of the present application would not be obvious by combining the Lems or Sanborn reference with either the Thieman or Laguerre references. Claims 7 and 8, which depend on amended claim 6, also would not be obvious in view of the cited references.

In view of the above, it is respectfully submitted that the application as amended herein is now in condition for allowance. A relatively early notification of allowance is respectfully requested.

Respectfully submitted,



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## APPENDIX

Claim 6 (Amended for a Third Time). A method of making packages having slider operated zippers, said method comprising the steps of:

providing a supply of a series of concatenated packages, each of said packages having a slider operable reclosable zipper;

providing a supply of sliders, each of said sliders being insertable on to said reclosable zipper and adapted to open and close said reclosable zipper as said slider is moved along said reclosable zipper in opening and closing directions, respectively; and

for each of said packages, removing a slider from said slider supply and inserting said slider on to said reclosable zipper while said reclosable zipper remains fully interlocked.